

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAYNA PADULA, et al.,

Plaintiffs,

No. CIV S-05-0411 MCE EFB

vs.

ROBERT MORRIS, et al.,

Defendants.

ORDER

On November 15, 2007, defendants filed a motion to compel plaintiff Ronda Padula to attend her deposition, and set the matter for hearing on December 19, 2007, before the undersigned. The district judge has previously extended the discovery deadline from November 14, 2007, to December 21, 2007. The scheduling order provides that all discovery must be completed by the discovery cut-off date, and that "completed" means that "all discovery shall have been conducted *so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been obeyed.*" (emphasis added).

Based on the pretrial scheduling order entered by the district judge, defendants' motion is untimely as any order thereon cannot be complied with by the December 21, 2007, deadline.

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1 Accordingly, defendants' motion is dropped from the undersigned's December 19, 2007, law and  
2 motion calendar. Defendants may re-notice the motion to an earlier date upon application for an  
3 order shortening time in accordance with the Local Rules, or after having sought and received  
4 another discovery deadline extension from the district judge.

5 SO ORDERED.

6 DATED: November 15, 2007.

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8 EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE  
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